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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,262	03/12/2004	Akiko Niimi	503038.108007	2239
29540	7590	06/30/2005	EXAMINER	
PITNEY HARDIN LLP			CULLER, JILL E	
7 TIMES SQUARE			ART UNIT	
NEW YORK, NY 10036-7311			PAPER NUMBER	
			2854	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,262	Applicant(s) NIIMI ET AL.	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 14-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-59 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040329</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 14-57 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 16, 2005.

Claim Objections

2. Claims 1-13 and 59 are objected to because of the following informalities:

In claim 1, it is not certain whether the fabric is positively claimed as a part of the invention. Because applicant claims particular qualities of the fabric, it is assumed that applicant intends to claim the fabric as a part of the invention and the claim has been examined accordingly, however it is suggested that applicant rewrite the claim to better reflect the exact nature of the invention. Also, in claim 1, on line 14, there is no antecedent basis for the recitation of "the closing". For the purposes of prosecution, it has been assumed that this is a portion of the fabric, but the claim language should be amended.

In claim 59, line 11, the phrase "the a reference portion is redundant. As there is no antecedent basis for a reference portion, it appears that the word "the" is unnecessary and should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 13, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,095,628 to Rhome in view of U.S. Patent No. 5,188,034 to Iaccino et al.

With respect to claim 1, Rhome teaches an inkjet type fabric printing apparatus, 10, comprising: an inkjet head, 22, that ejects ink onto a fabric, the inkjet head reciprocally moving in main scanning direction and auxiliary scanning direction relative to the fabric; and a platen, 16, that holds the fabric to extend on a plane substantially parallel with the main scanning direction and the auxiliary scanning direction with a first predetermined distance spaced from the inkjet head. See column 2, lines 46-60.

Rhome does not teach a positioning member on which the fabric is set, at least one of a neck portion and a shoulder portion being thicker than a portion of the closing spread on the platen, the positioning member supporting the at least one of the neck portion and the shoulder portion of the fabric such that the at least one of the neck portion and a shoulder portion is spaced from the inkjet head by a second predetermined distance at which the at least one of the neck portion and the shoulder portion does not hinder the movement of the inkjet head.

Iaccino et al. teaches a platen, 20, having a positioning member, 22, on which a fabric, 28, is set, see column 5, lines 29-58; at least one of a neck portion and a shoulder portion of the fabric being thicker than a portion of a closing spread on the platen, see column 9, lines 61-63; the positioning member supporting the at least one of the neck portion and the shoulder portion of the fabric such that the at least one of the neck portion and a shoulder portion is spaced from the inkjet head by a second predetermined distance at which the at least one of the neck portion and the shoulder portion does not hinder the movement of the inkjet head. See column 9, line 66 – column 10, line 24.

It would have been obvious for one having ordinary skill in the art at the time of the invention to modify the apparatus of Rhome to have a positioning member, as taught by Iaccino et al., in order to more consistently apply printing to the appropriate portion of the fabric.

With respect to claim 13, Rhome teaches that the inkjet head is configured to move reciprocally in the main scanning direction, and wherein the platen is configured to move in the auxiliary scanning direction synchronously with the movement of the inkjet head. See column 2, lines 46-60.

With respect to claim 58, Rhome teaches an inkjet type fabric printing apparatus, 10, comprising: an inkjet head, 22, that ejects ink onto a fabric, the inkjet head reciprocally moving in main scanning direction and auxiliary scanning direction relative to the fabric; and a platen, 16, that holds the fabric to extend on a plane substantially

parallel with the main scanning direction and the auxiliary scanning direction with a first predetermined distance spaced from the inkjet head. See column 2, lines 46-60.

Rhome does not teach a positioning member on which the fabric is set; the positioning member supporting at least one of a neck portion and a shoulder portion of the fabric such that the at least one of the neck portion and a shoulder portion is spaced from the inkjet head by a second predetermined distance.

Iaccino et al. teaches a platen, 20, having a positioning member, 22, on which the fabric, 28, is set, see column 5, lines 29-58; the positioning member supporting at least one of a neck portion and a shoulder portion of the fabric such that the at least one of the neck portion and a shoulder portion is spaced from the inkjet head by a second predetermined distance. See column 9, line 66 – column 10, line 24.

It would have been obvious for one having ordinary skill in the art at the time of the invention to modify the apparatus of Rhome to have a positioning member, as taught by Iaccino et al., in order to more consistently apply printing to the appropriate portion of the fabric.

With respect to claim 59, Rhome teaches an inkjet type fabric printing apparatus, 10, for printing an image on a predetermined area of a fabric, comprising: an inkjet head, 22, that ejects ink, the inkjet head reciprocally moving in main scanning direction and auxiliary scanning direction relative to the fabric; and a platen, 16, that holds the fabric to extend on a plane substantially parallel with the main scanning direction and the auxiliary scanning direction with a first predetermined distance spaced from the inkjet head. See column 2, lines 46-60.

Rhome does not teach a positioning portion integrally formed on the platen, the positioning portion supporting a reference portion of the fabric such that the fabric is held on the platen in place, the reference portion being thicker than the other portion including the predetermined area, the positioning portion supporting the fabric such that the reference portion is spaced from the inkjet head by a second predetermined distance at which the reference portion does not hinder the movement of the inkjet head.

Iaccino et al. teaches a platen, 20, having a positioning portion, 22, supporting a reference portion of fabric, 28, such that the fabric is held in place on the platen, see column 5, lines 29-58; at the reference portion being thicker than the other portion including the predetermined area, see column 9, lines 61-63; the positioning portion supporting the fabric such that the reference portion is spaced from the inkjet head by a second predetermined distance at which the reference portion does not hinder the movement of the inkjet head. See column 9, line 66 – column 10, line 24.

It would have been obvious for one having ordinary skill in the art at the time of the invention to modify the apparatus of Rhome to have a positioning member, as taught by Iaccino et al., in order to more consistently apply printing to the appropriate portion of the fabric.

5. Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhome in view of Iaccino et al. as applied to claims 1, 13, 58 and 59 above, and further in view of U.S. Patent No. 6,286,237 to Toutounchian.

With respect to claims 2-3, Rhome and Iaccino et al. teach all that is claimed, as in the above rejection of claims 1, 13, 58 and 59 except that the positioning member comprises a guide plate mounted on an undersurface of the platen with a portion thereof being changeably protruded on a front side of the platen which is one end side in the auxiliary scanning direction of the platen.

Toutouchian teaches a platen, 12, for holding fabric, having a positioning member, 36, which comprises a guide plate mounted on an undersurface of the platen with a portion thereof being changeably protruded on a front side of the platen.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Rhome to have the positioning member placement of Toutouchian in order to have the positioning member more readily attached to the platen.

With respect to claims 4-6, Rhome and Iaccino et al. do not teach that the guide plate is formed symmetric with respect to a centerline thereof, or that a front end side of the guide plate protruding from the platen has an arc-shaped side, or a V-shaped side.

Toutouchian teaches a guide plate, 36, having a front end side formed in both an arc-shape and a v-shape, and symmetric with respect to its centerline. See Figures 7-10 in particular.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Rhome to have the positioning guide plate design of Toutouchian in order to better hold the fabric in place.

With respect to claim 7, Rhome and Iaccino et al. do not teach that a front end side of the guide plate is formed such that a central portion of the front end side is protruded further than end portions of the front end side, the neck portion of the fabric being supported at the central portion, the shoulder portions of the fabric being supported at corners defined at the end portions of the front end side of the guide plate.

Toutouchian teaches a guide plate, 36, with a front end side formed such that a central portion of the front end side is protruded further than end portions of the front end side, the neck portion of the fabric being supported at the central portion, the shoulder portions of the fabric being supported at corners defined at the end portions of the front end side of the guide plate. See Figures 7-10 in particular.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Rhome to have the positioning guide plate design of Toutouchian in order to better hold the fabric in place.

With respect to claims 8-12, Rhome does not teach that edges of sides of the platen are formed with dulled, rounded surface, gradually bending downward along the edges, to prevent the fabric from suffering damage from the guide plate and from floating up from the platen in a vicinity of the edges.

Toutouchian teaches a platen having rounded edges. See Figures 7-10 in particular.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the invention of Rhome to have the rounded edges of the

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platen and positioning guide plate of Toutouchian in order to better hold the fabric in place.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,846,058 to Farris, U.S. Patent No. 4,875,268 to Szarka, U.S. Patent No. 5,199,353 to Szyszko, U.S. Patent No. 5,247,885 to Iaccino et al., U.S. Patent No. 6,640,714 to Papa and U.S. PGPUB 2003/0197772 to Iwatsuki et al. each teach an apparatus having apparent similarities to the claimed subject matter.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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